

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TOKIO MARINE AND NICHIDO FIRE INSURANCE
CO., LTD., as Subrogee, and NILT, INC., as Subrogor,

Case Number: 07-Civ-5599 (PKL)

Plaintiffs,

-against-

**DECLARATION OF CHERYL
WICHINSKY CANTER**

MURRAY CANTER, CHERYL WICHINSKY-
CANTER, and ADAM J. CANTER

Defendants.

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CHERYL WICHINSKY CANTER declares as follows:

1. I am one of the Defendants in the above-captioned litigation. I submit this Declaration in support of Defendants' motion to dismiss Plaintiffs' Complaint. I have first-hand knowledge of the facts set forth herein.
2. Attached hereto as Exhibit A is a true and correct copy of the Lease that my husband, Murray Canter, and I entered into with Ramsey Nissan on September 20, 2002 for the lease of a 2002 Nissan Xterra XE – bearing Serial No. 5N1ED28Y72C601791 (the “Nissan Truck”).
3. A true and correct copy of the Summons and Complaint in this action is attached hereto as Exhibit B.
4. Attached hereto as Exhibit C is a true and correct copy of the complaint filed by Rebecca J. Walker on or about February 18, 2005 in the Supreme Court State of New York, County of Madison, entitled *Rebecca J. Walker v. Adam J. Canter, Cheryl S. Wichinsky, Nissan North America, Inc., Nissan Motors Acceptance Corp., Nissan Infiniti Lease Trust and XYZ Corporation*, Index No. 05-1073 (the “Underlying Action” or the “Walker Action”).

5. Attached hereto as Exhibit D is a true and correct copy of a letter from GEICO to Adam Canter, dated February 23, 2005.

6. Attached hereto as Exhibit E is a true and correct copy of the Answer & Affirmative Defenses, dated March 9, 200, 2005 and filed on behalf of myself, Adam Canter, and all of the Nissan corporate Defendants -- specifically including NILT.

7. Attached hereto as Exhibit F is a true and correct copy of a Stipulation of Discontinuance, with Prejudice of the Underlying Action -- dated November 29, 2006.

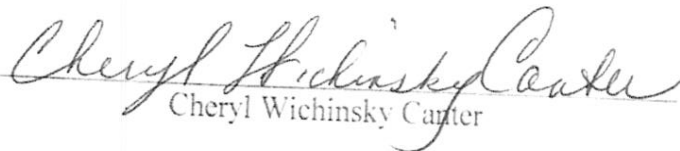
8. Attached hereto as Exhibit G is a true and correct copy of the release given in the Underlying Action.

9. Attached hereto as Exhibit H are copies of letters from GEICO to Adam and me, dated December 20, 2006.

10. Attached hereto as Exhibit I are true and correct copies of notices from Nissan Motor Acceptance Corporation to me and my husband, Murray Canter, dated September 14, 2006.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct

Dated: October 17, 2007


Cheryl Wichinsky Canter